UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.627
12 July 2000

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

SUMMARY RECORD OF THE 627th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 23 May 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Kyrgyzstan (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-42443 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Kyrgyzstan (CRC/C/41/Add.6; CRC/Q/KYR/1 (list of issues); written replies to the list of issues (document without a symbol, in Russian only); English summary of the written replies (CRC/C/1 (Future) 8)) (continued)

1. At the invitation of the Chairperson, Ms. Beishenalieva, Ms. Aitikeeva and Ms. Vinnikova took places at the Committee table.

2. Ms. BEISHENALIEVA (Kyrgyzstan) said her country had acceded to the Convention on the Rights of the Child in 1994. The initial report thoroughly and objectively elucidated the problems encountered in implementing the Convention and the measures taken to deal with them. While numerous legal texts had been enacted to solve those problems both before and after preparation of the report, a great deal remained to be done in legislative terms. Kyrgyzstan had quite recently ratified the amendment to article 43, paragraph 2, of the Convention. Efforts were under way to make good certain deficiencies in the laws and set up the mechanisms required for enforcement. Some tasks had not yet been performed for lack of time or appropriate structures.

3. Representatives of the executive, the legislature and the judiciary, as well as non-governmental organizations (NGOs) and UNICEF, had participated in the preparation of the report, which covered an extensive period. In a few years the number of NGOs directly or indirectly involved with children in Kyrgyzstan had risen considerably thanks to the democratic nature of the regime. Only a handful of officials feared that NGO action could have unfavourable consequences. NGOs helped solve problems by bringing them into the open. Child abuse was rare but, like everything concerning children, it was the subject of wide-ranging discussions within society and in the media. People in her country certainly enjoyed free access to information and the right to express their opinions and form associations. The President of the Republic had demonstrated his commitment to improving the situation of children and had proclaimed the year 2000 Year of Youth and Education.

4. The CHAIRPERSON invited Committee members to put questions relating to general measures of implementation and the definition of the child.

5. Ms. RILANTONO noted with satisfaction that, despite the country's current economic restructuring, it had succeeded in adopting specific measures in the field of human rights: it had ratified six major international instruments and incorporated the provisions of the Convention on the Rights of the Child in several laws. Various national programmes concerning children's rights had been adopted, although an overall strategy appeared to be lacking.

6. Legislation on the protection of minors risked being merely declaratory since, according to information supplied by one NGO, reports on the implementation of the Convention were not

submitted to Parliament on a regular basis. The initial report stated that several government agencies dealt with issues relating to children, women and young people, but the apparent lack of an intersectoral coordination mechanism at the central and local levels might slow down implementation of the Convention. Could the Kyrgyz delegation address the question of decentralization and the factors likely to impede the provision of basic services to children?

7. It was encouraging to note that 20,000 copies of the Convention had been printed in three languages and distributed throughout the various regions of Kyrgyzstan and that the initial report had been disseminated to government agencies and NGOs. However, some sources claimed that media access to the report was inadequate.

8. It would be helpful to learn what steps had been taken to reduce poverty and to ensure equal access by all strata of society to health care, education, culture and leisure.

9. Mr. RABAH asked whether the Kyrgyz authorities intended to intervene to prevent certain local traditions from impeding implementation of the Convention. Had a mechanism been put in place to ensure coordination among the various government agencies and ministries competent in the field of children's issues and with NGOs?

10. Mr. DOEK wished to know the exact form taken by any specific activities conducted by the State Commission for Family, Women's and Youth Affairs in favour of children under 18. Could the delegation provide details concerning the Act on the fundamental principles of State youth policy adopted in February 2000 and indicate whether that text had consequences for the work of the State Commission? Did the latter play a coordinating role? If so, in what way? If it did not, did it advise the Ministry of Justice? What was the relationship between the State Commission and the Commission for Minors at the central and local levels of government?

11. It appeared from the written replies that a proposal had been made to create a national children's council or establish a national ombudsman or commissioner in an attempt to strengthen coordination. How had that proposal been followed up?

12. Ms. TIGERSTEDT-TÄHTELÄ asked whether the delegation could cite cases in which the provisions of the Convention, which formed an integral part of Kyrgyz legislation, had been directly applied or had been invoked in the courts, especially in first instance. Also, when the new legislation and plans had been established, had their financial implications been taken into account with a view to more accurate overall assessment of resource needs? At the time the legislation had been reviewed in connection with the provisions of the Convention, had Kyrgyzstan analysed the fundamental obligations imposed by that instrument? Lastly, had public officials received training in the Convention?

13. Ms. KARP asked whether NGOs had been involved in the preparation of the new legislation and whether they could intervene before the courts to press for children's rights to be taken into account. Did social and cultural considerations prevent the Convention from being invoked before the courts? If so, what prospects were there for change in that regard?

14. According to the written replies, a minor could file a complaint with the custodian and guardianship authorities or the Office of the Procurator-General. Was that a viable solution? Did children know that they could contact those authorities and were they in a position to do so? Could the delegation provide instances of cases in which children had lodged complaints? What had been the outcome? Had any of those authorities filed reports on complaints received and the conclusions to which they had led?

15. She would like to know the respective scope of the Act on the protection and defence of the rights of minors and the Act on the fundamental principles of State youth policy: did the two texts complement each other? She also wished to know the budgetary situation of the local child-protection groups that counselled children and parents. Lastly, it would be interesting to learn whether Kyrgyzstan intended to formulate a comprehensive plan of action for implementing the Convention.

16. The CHAIRPERSON inquired how the delegation had prepared for its appearance before the Committee. Had it held round tables? How had the population been informed of the exercise? How many persons had participated in nationwide or local activities to publicize the Convention? And had those activities been constant or sporadic? Lastly, what role had children played in those activities?

The meeting was suspended at 10.50 a.m. and resumed at 11 a.m.

17. Ms. BEISHENALIEVA (Kyrgyzstan) said that all the provisions of the Convention on the Rights of the Child had been integrated into domestic law and were therefore binding on all State organs and all citizens. The integration had been conducted in two stages involving systematic analysis of the legislation so as to avoid inconsistencies and duplication. All the pertinent laws adopted between 1994 and 1997 were currently in force, as were many of those proposed between 1997 and 2000.

18. The conservatism of the courts meant that they very rarely based their rulings on international instruments, being more inclined to apply domestic laws. However, both the Penal Code and the Civil Code currently contained fundamental principles relating to children's rights so that in practice the courts used the Convention indirectly. The country had also set up a training centre providing courses in the enforcement of its legislation.

19. There were plans to establish a body to be responsible for coordinating all child-related activities, a task still shared by various bodies. Regarding coordination with NGOs, when a problem relating to children's rights needed to be solved, representatives of NGOs, the three branches of government and the international organizations usually sat on the relevant committee. The State Commission for Family, Women's and Youth Affairs dealt with issues relating to the rights of the child; however, it was such a vast field that various other bodies tackled problems in specific areas such as education or the protection of minors.

20. By presidential decree, a working group comprising NGO representatives, scientists, academics, parliamentarians and magistrates had drawn up a bill providing for the creation of an ombudsman's office, which was currently being examined at different levels, notably by Parliament. Consideration would be given to the creation of a body with special responsibility for children's rights once a decision had been taken on the ombudsman's function.

21. A potential obstacle to full implementation of the Convention lay in the level of awareness among the population and public officials. The democratic development of Kyrgyz society provided ample opportunity for full implementation of the Convention, for which all the legal, political and cultural conditions were currently in place.

22. Opinion was divided as to the need to formulate a specific plan of action for children. There were those who felt that such a document would simply endorse existing norms and programmes concerning children and minors, while others deemed it essential. Work and discussions on the subject continued.

23. In preparing the meeting for consideration of Kyrgyzstan's initial report, the delegation had consulted a mass of documentation and had met many child specialists - jurists, lawyers and representatives of public bodies. The process had been particularly useful and rewarding.

24. Ms. AITIKEEVA (Kyrgyzstan) added that, for purposes of the Committee's consideration of the initial report, a round table had been held on 18 May with representatives of public bodies and NGOs to discuss, among other things, access to care, integration into the education system, and the social reintegration of children with special needs. Members of the delegation had also taken part in a national television "press club" moderated by children, during which they had answered questions on the implementation of the various articles of the Convention and had duly taken note of all the questions asked, some of which had dealt with discrimination in schools.

25. Furthermore, every year the authorities organized a children's week immediately before 1 June, Children's Day, on a theme related to one or more articles of the Convention. As of 2000 the awareness campaign had been extended to one month. Events had been organized throughout the country to discuss particular articles: the right to family life in 1999, the right to education, and respect for the views of the child. The campaign was publicized through announcements and articles in many widely read newspapers. The authorities then assessed the event, transforming it into a genuine mechanism for monitoring changes in society's attitude to children's issues.

26. Computer software on the initial report and the Convention had been distributed in connection with the computerization of schools and in certain public places. There was, however, room for improvement in the information situation and many associations, NGOs, agencies and international organizations such as UNICEF were doing sterling work in that field, so that the number of events devoted to the Convention had doubled in recent years. Kyrgyzstan had very active NGOs, and cooperation with them was a constant Government concern.

27. The State Commission for Family, Women's and Youth Affairs was an executive body with ministerial rank and full powers to approach the appropriate ministers in order to seek solutions to problems they encountered. It was that body that had prepared the bill that had become the Act on the protection and defence of the rights of minors which had recently entered into force.

28. Despite economic difficulties, especially in the years 1990-93, the educational situation had steadily improved in the Kyrgyz Republic. Since education was a means of fighting poverty, the authorities had developed a special programme to combat social exclusion with the aim of reintegrating into the education system the 23,000 children not enrolled for the 1992-93 school year. There were currently five to six times fewer children not enrolled in schools. Specific measures had been taken in favour of disabled children. The Asian Development Bank was financing various education activities, including the establishment of an education-sector monitoring system. The 3 per cent budget decrease in that sector over the past three years had not affected basic education, to which the required funds had been allocated.

29. Ms. VINNIKOVA (Kyrgyzstan) explained that while the Act on the protection and defence of the rights of minors, the Act on local self-government and local public administration and the Penal Code all provided for examination of complaints filed by minors, only a handful had been lodged. Such complaints were examined by the Commission for Minors, which was an executive body, and by the Office of the Procurator-General.

30. Adults who incited minors to prostitution or drug or alcohol consumption were liable to prosecution. Perpetrators of offences against minors, including police officers, were charged. The Commission for Minors conducted quarterly inspections of all institutions charged with the protection, monitoring and education of minors - pre-school, school and extramural establishments and minors' provisional detention centres. Minors placed in provisional detention could also file complaints, especially when the detention period was longer than that legally established, and the Procurator-General could prosecute those responsible. Parents and children were kept informed of the procedures to be followed for lodging a complaint and of the role of the Convention. The initial report and the text of the Convention had been disseminated to all departments and institutions with competence in matters relating to children.

31. Ms. BEISHENALIEVA (Kyrgyzstan) pointed out that article 6 of the Act on the protection and defence of the rights of minors, enacted in October 1999, stipulated that the Convention on the Rights of the Child could be invoked in cases concerning minors' rights on an equal footing as the Act itself.

32. The CHAIRPERSON invited Committee members to put questions on general principles and civil rights and freedoms.

33. Ms. RILANTONO asked what measures the Government intended to take on behalf of the most economically disadvantaged regions; what stage the draft law on compulsory primary education had reached; and how many children were not currently enrolled in schools. Why had no age been fixed at which a child could consult a doctor without parental consent?

34. What impact did a child's right to express an opinion have on Kyrgyz customs and traditions? Did children often encounter difficulties in expressing their opinions within the family or at school? Did the legislation give precedence to a child's views or to parental authority?

35. Ms. MOKHUANE wished to know whether there was a structure for coordinating national and local child-related priorities and, if so, which body was in charge.

36. Since cases of forced marriage were allegedly numerous, were those responsible liable to prosecution?

37. What time-frame did the Kyrgyz Government envisage for the elimination of the health and education disparities between rural and urban areas? Since children with special needs were excluded from the traditional school system, what was society's attitude towards them and how did the State react to it?

38. Inasmuch as Kyrgyzstan's society was patriarchal, as indicated in the report submitted in connection with the Convention on the Elimination of All Forms of Discrimination against Women, women - no doubt, girls included - were greatly discriminated against; it would be interesting to learn the situation, especially in rural areas.

39. Given the State party's economic difficulties, many children under 15 years of age went out to work, when the legal age of admission to employment was 15; were any measures envisaged to reintegrate those children into the education system, or could they receive instruction outside their working hours?

40. Mr. DOEK noted with satisfaction the draft law in course of preparation with a view to granting Kyrgyz nationality to children born of a Kyrgyz mother married to a foreigner.

41. It had been stated in the report that the views of the child were taken into account from the age of 10 in connection with certain proceedings. Did that situation prevail with regard to the granting of custody, visiting rights and any other ruling handed down by the courts in the interests of child protection? Was the judge obliged to invite a child to express its views or could he use his discretion on whether or not to hear the child before handing down his ruling?

42. The report stated that medical care was provided to minors with parental consent and that minor girls could have abortions free of charge. Did that mean that parental consent was required for terminating a pregnancy?

43. Mr. RABAH asked what provisions applied to offenders who were not yet 14, the age of criminal responsibility. From what age could minors testify in civil and criminal cases?

44. He was surprised that Kyrgyz legislation authorized minors from age 6 to change not only their given names but also their family names. In what circumstances did those provisions apply? Were they procedures resulting from court rulings? How did the relationship between those minors and their families change when they ceased to bear the same name?

45. He would like to know the minimum age for joining children's or youth associations, since, according to the report, there were no restrictions on minors establishing such associations as long as their aims were lawful.

46. Marriage was banned before the age of 18 except, in certain cases, for girls, who could obtain a dispensation. What sort of cases were they and did the provision apply to boys as well?

47. Ms. TIGERSTEDT-TÄHTELÄ asked whether the authorities had clearly defined priorities for the education, health and welfare of children and what proportion of the budget was allocated to those sectors. Were funds specifically earmarked for child protection? She would like to know how responsibilities were shared out between the national and local authorities, whether the latter were elected, and whether the municipalities had established a system to promote children's participation in decision-making and in the planning of activities of direct concern to them.

The meeting was suspended at 12.15 p.m. and resumed at 12.25 p.m.

48. Ms. BEISHENALIEVA (Kyrgyzstan) said the economic crisis had not affected the exercise of children's rights and there were no regional disparities in the situation of children. The budget resources were allocated on an equal basis to all districts. According to the policy adopted in 1999, each region established its own budget and received subsidies from the State.

49. The legal minimum age for marriage was 18, which was also the age of majority. It could, exceptionally, be reduced to 17 for women only and in conditions established by law, by simple request and in the presence of the girl's parents. The question concerning forced marriages probably referred to bride-kidnapping; that tradition did persist, but it was purely symbolic and the kidnapping took place by common consent of the fiancés and with the participation of their families and friends. In the rare cases in which a real kidnapping occurred, the Penal Code was applied.

50. Abortion was legal and performed in safe medical conditions. The law provided that women should take that decision by themselves.

51. The question of children's participation in decision-making was currently being widely debated in the country, including at the local level. As for the definition of the child, article 1 of the Act on the protection and defence of the rights of minors stipulated that all individuals were considered minors until they had reached their eighteenth birthday.

52. Ms. AITIKEEVA (Kyrgyzstan) explained that all local bodies were elected. Since measures for total decentralization of health and education had not yielded the expected results, many of the budgetary responsibilities had been given back to the central administration. Primary and secondary schools were financed from the national budget, as were certain allowances (including family allowances). School principals were paid out of the local budgets, although it was the State that defrayed the cost of teachers' salaries and expenses relating to school equipment and textbooks.

53. Eleven years of school attendance was compulsory under the Education Act, after which young people could enter vocational training or continue their studies at university. According to official statistics, 0.4 per cent of children were not enrolled in schools, but the Strategic Research Institute put the figure at 0.8 per cent. Those children were for the most part ill or disabled, but there were other explanations for the phenomenon: material problems - a programme had been organized under the aegis of the President to provide special aid to families; parents' refusal to send their children to school (particularly if the children worked); children's refusal to continue their studies; and family circumstances (alcoholic or drug-addicted parents or single-parent families). A special strategy was applied to each category of non-enrolled child; it was a complex and difficult problem, but it should be noted that, by and large, the Kyrgyzs had kept up their determination to give their children an education. One third of young people who completed secondary school went on to university.

54. Disabled and other children with special needs had hitherto found themselves isolated from society, shut up in special establishments, where they had remained in the custody of the State until the end of their lives. The situation had slowly begun to change. A pilot project being implemented with the assistance of the Save the Children Fund aimed to enable the children to remain within the family. The most difficult proposition was to change attitudes, and information and sensitization campaigns were being undertaken to that end. Efforts were being made to integrate children with special needs into society, including schools, from early infancy. The Ministry of Education had prepared a set of provisions for integration-led education, on the basis of the results of pilot programmes.

55. Statistics on working children were fragmentary and covered only the capital and main regional cities. Attempts to reintegrate such children into the school system had met with many obstacles, and progress was inadequate.

56. The Government was also striving to find solutions to the problem of abandoned children, including the sick; that phenomenon, brought on by the economic crisis, was not very widespread, although each case constituted a tragedy in itself.

57. Kyrgyz society traditionally accorded much more importance to the opinion of the old than to that of children, but, thanks to education, things were changing, especially in towns. In order to increase children's still insufficient participation, assemblies had been set up in schools, and many youth organizations had seen the light of day, including the boy scouts, in which efforts were made to teach children their rights and to take their views into account. Although children must obey their parents, they had always been treated with great consideration in Kyrgyzstan, and in the family it was their interests that prevailed.

58. The education budget had dropped by 3 per cent over the previous three years, but only higher education had been affected (particularly the scholarship system). Essential spending (including teachers' salaries and textbooks) were financed entirely from the national budget. Orphanages were also assigned priority. In that connection, it should be emphasized that the State devoted 60 per cent of its budget to social spending.

59. Responsibility for education was shared by the district education departments, which answered directly to the Ministry of Education (whose directives were binding), and the school principals, who looked after the day-to-day business.

60. The participation of children in decisions concerning them, such as construction of swimming pools or leisure centres, was indeed insufficient, although the situation was better in the towns. Mention should also be made of a scheme launched in 1999 by the Ministry of Education to create in each school an informal mechanism, comprising several private associations, to support educational activities.

The meeting rose at 1 p.m.